

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

In re) Chapter 9
)
CITY OF DETROIT, MICHIGAN) Case No. 13-53846
)
Debtor.) Hon. Steven W. Rhodes

**APPELLANT’S DESIGNATION OF THE CONTENTS
OF THE RECORD AND STATEMENT OF ISSUES ON APPEAL**

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), appellants Syncora Guarantee Inc. and Syncora Capital Assurance Inc. (together, “Syncora”) file this designation of the contents of the record and statement of issues regarding Syncora’s September 10, 2013 notice of appeal [Doc. No. 797], filed pursuant to Bankruptcy Rule 8001 and 28 U.S.C. § 158(a), from the Order Regarding Casino Revenues and the Automatic Stay [Doc. No. 670], entered August 28, 2013 (the “Order”).

I. DESIGNATION OF THE CONTENTS OF THE RECORD ON APPEAL

A. Docket Entries from Case No. 13-53846

<u>Item #</u>	<u>Date</u>	<u>Docket Number</u>	<u>Document Title</u>
1	8/16/13	366	Objection of Syncora Guarantee Inc. and Syncora Capital Assurance Inc. to Motion of Debtor for Entry of an Order (I) Authorizing the Assumption of that Certain Forbearance and Optional Termination Agreement Pursuant to Section 365(a) of the Bankruptcy Code, (II) Approving Such Agreement Pursuant [sic] Rule 9019, and (III) Granting Related Relief Note: Including all exhibits thereto
2	8/20/13	524	Statement of Syncora Guarantee Inc. and Syncora Capital Assurance Inc. in Advance of Status Conference

3	8/27/13	661	Expedited Transcript Order Form of Hearing August 21, 2013, Filed by Interested Parties Syncora Capital Assurance Inc., Syncora Guarantee Inc.
4	8/29/13	685	Transcript regarding Hearing Held 08/21/13 RE: hearing RE: Emergency Motion for Clarification of the July 25, 2013 Stay Order; Expedited Hearing RE: Notice of Pendency of Defendant Syncora Guarantee Inc.'s, Emergency Motion to Dissolve the Temporary Restraining Order and Conduct Expedited Discovery; Status Hearing RE: Corrected Motion to Assume Lease or Executory Contract; Adversary Proceeding 13-04942 - Status Conference RE: Order Granting in Part and Denying in Part Debtor's Ex Parte Motion for an Order Shortening Notice, Staying Further Briefing and Scheduling an Expedited Hearing With Respect to Motion of Debtor City of Detroit to Schedule Status Conference, Set Briefing Schedules and Maintain Status Quo.
5	8/29/13	687	Expedited Transcript Order Form of Hearing August 28, 2013, Filed by Interested Parties Syncora Capital Assurance Inc., Syncora Guarantee Inc.
6	8/30/13	693	Transcript regarding Hearing Held 08/28/13 RE: Opinion re. Stay Issue; Status Hearing re. Corrected Motion to Assume Lease or Executory Contract; Motion for Protective Order, Adversary Proceeding 13-04942 - Status Conference

B. Docket Entries from Adv. Pro. No. 13-04942

<u>Item #</u>	<u>Date</u>	<u>Docket Number</u>	<u>Document Title</u>
7	08/14/13	51	Motion of Debtor City of Detroit to Schedule Status Conference, Set Briefing Schedules and Maintain Status Quo

II. DESIGNATION OF ISSUES ON APPEAL

- (a) Whether pledged casino revenues paid into a designated custodial account to secure certain contractual obligations are property of the debtor subject to the automatic stay.
- (b) Whether the automatic retention of the pledged casino revenues in the designated custodial account in accordance with the normal operation of contractual terms, and commencing before the petition date, violates the automatic stay.
- (c) Whether the retention of these pledged casino revenues is, in any case, excepted from the automatic stay under the bankruptcy code.

Dated: September 24, 2013

/s/ Stephen C. Hackney

James H.M. Sprayregen, P.C.
Ryan Blaine Bennett
Stephen C. Hackney
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, Illinois 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200

and

Stephen M. Gross
David A. Agay
Joshua Gadharf
MCDONALD HOPKINS PLC
39533 Woodward Avenue
Bloomfield Hills, MI 48304
Telephone: (248) 646-5070
Facsimile: (248) 646-5075

*Attorneys for Snycora Guarantee Inc. and
Snycora Capital Assurance Inc.*